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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-1145 JSW
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER FED. R. CRIM.
v.)	P. 5.1 and 18 U.S.C. § 3161
)	
TEMMY EDIA,)	
)	
)	
Defendant.)	
_____)	

On December 16, 2009, the parties in this case appeared before the Court for the defendant's initial appearance. On December 17, the parties appeared for identification of counsel and entry of pleas. At that time, the parties requested, and the Court agreed, to hold a detention hearing on December 21, 2009. The matter was set for January 14, 2010 for an initial appearance in district court. The parties requested that time between December 17, 2009,

through January 14, 2010, be excluded under the speedy trial act, 18 U.S.C. § 3161, to afford adequate preparation of counsel and assure continuity of counsel. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time necessary for continuity of defense counsel and effective preparation. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: December 17, 2009

_____/s/
BENJAMIN P. TOLKOFF
Assistant United States Attorney

DATED: December 17, 2009

_____/s/
GEOFFREY HANSEN
Attorney for TEMMY EDIA

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For the reasons stated above, the Court finds that the exclusion of time from December 17, 2009, through January 14, 2010, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: 12/18/09

